REMARKS

Claims 1-9, 11-15, 17-35, 37-41, 43 and 44 are all the claims pending in the application.

First, Applicants thank the Examiner for withdrawing the previous prior art rejections and the previous rejection under 35 U.S.C. § 101.

Applicants thank the Examiner for indicating that the Replacement drawing submitted on July 30, 2010, is acceptable.

The Examiner, however, has added a new prior art reference, Brewer et al. (US Patent No. 7,002,980) in addition to the previously applied references, to allegedly support the claim rejections, which are discussed in further detail below.

Claims 4-9, 11-15, 28-35, 37-41, 43 and 44 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9, 11-14, 17, 21-35, 37-40 and 43 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen US Publication No. 2002/0075844 (Hagen hereinafter), in view of Yamaguchi, US Publication No. 2002/0178365 (Yamaguchi hereinafter) and Brewer.

Claims 15, 18 and 41 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, in view of Yamaguchi, Brewer and Immonen et al. (US Patent Application Publication No. 2002/0132611 (Immonen) hereinafter).

Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, in view of Yamaguchi, Brewer and Sisodia et al. (US Patent Application Publication No. 2003/0165128 (Sisodia hereinafter)).

Claim 44 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, in view of Yamaguchi, Brewer, and Bichot et al. (US Patent Application Publication No. 2003/0214929 (Bichot hereinafter)).

Claim Objections

Applicants respectfully request withdrawal of the claim objections.

Claim Rejections - 35 U.S.C. § 112

Claims 4-9, 11-15, 28-35, 37-41, 43, and 44 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants submit that claims 4-9, 11-15, 28-35, 37-41, 43 and 44 satisfy the requirements under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9, 11-14, 17, 21-35, 37-40, and 43 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, in view of Yamaguchi, and further in view of Brewer. We propose to submit the following in traversal.

Claim 1

In the previous Amendment, Applicants amended the subject matter of claims 10 and 16 into claim 1 to recite at least "wherein said control module allocates at least two priority levels to the terminals for said allocation of resources of the local area network according to whether the terminals are classified in said first group or said second group and automatically modifies an allocated priority level as a function of the available resources of said local area network," and argued that that Hagen and Yamaguchi, alone or in combination, fail to disclose or suggest the above-quoted claim features.

The Examiner applies a new reference in the current Office Action to allegedly satisfy the above-quoted feature.

Applicants previously argued that assuming *arguendo* that the updating service plan of Hagen corresponds to the claimed "modif[ying] an allocated priority level", Hagen fails to disclose or suggest "wherein said control module... automatically modifies an allocated priority level as a function of the available resources of said local area network".

Instead, Hagen requires a subscriber to manually upgrade the service plan, for example, from a non-priority plan to a priority plan (see paragraph [0183], lines 22-25 of Hagen).

Additionally, Applicants pointed out that one of ordinary skill in the art would understand that a bandwidth is not a priority level and therefore, altering bandwidth allocation disclosed in paragraph [0112] of Hagen does not correspond to the claimed "modif[ying] an allocated priority level."

The Examiner now applies Brewer to allegedly satisfy the above-quoted features. While Brewer does at least discuss priority levels, Brewer only discusses priority levels with respect to bandwidths that are pre-allocated to specific QOS levels. Again, even if *arguendo* Brewer discuss adjusting bandwidth in the invention thereof, there is no teaching or reasonable suggestion of automatically modifying an allocated priority level as a function of the available resources of said local area network. As submitted previously, a bandwidth is NOT a priority level.

In view of the above, Applicants submit that claim 1 is patentable.

For reasons similar to those submitted for claim 1, Applicants submit that claim 28 is also patentable.

Claims 2-9, 11-14, 17, 21-27, 29-35, 37-40 and 43, which depend from claims 1 or 28, are patentable at least by virtue of their dependencies.

Claims 15, 18, and 41 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, Yamaguchi, and Brewer, and further in view of Immonen. Applicants submit the following in traversal.

Immonen does not make up for the above noted deficiencies of Hagen, Brewer and Yamaguchi with respect to independent claims 1 and 8. Accordingly, claims 15, 18, and 41, which depend from claims 1 or 28, are patentable at least by virtue of their dependencies.

Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, Yamaguchi, Brewer, in view of Sisodia. Applicants submit the following in traversal.

Sisodia does not make up for the above noted deficiencies of Hagen, Yamaguchi, and Brewer with respect to independent claim 1. Accordingly, claims 19 and 20, which depend from claim 1, are patentable at least by virtue of their dependencies.

Claim 44 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hagen, Yamaguchi, Brewer, in view of Bichot. Applicants submit the following in traversal.

Bichot does not make up for the above noted deficiencies of Hagen, Yamaguchi, and Brewer with respect to independent claim 28. Accordingly, claim 44, which indirectly depends from claim 28, is patentable at least by virtue of its dependency.

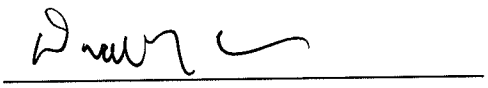
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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